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November 22, 2024

The Honorable Jennifer L. Rochon
Daniel Patrick Moynihan
and United States Courthouse
500 Pearl Street
New York, NY 10007-1312

***Re: 1:24-cv-02517-JLR; Plaintiff's Request to Adjourn the Initial Pretrial Conference
Scheduled for December 4, 2024 at 9:30 AM***

Dear Judge Rochon,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests for an adjournment of the Initial Pretrial Conference currently scheduled for December 4, 2024 at 9:30 a.m. until after the Defendant is named and served.

On April 2, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 74.65.211.75 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol. On May 23, 2024, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP ("Motion for Leave").

On July 8, 2024, the Court granted Plaintiff leave to serve a third-party subpoena. Plaintiff served Defendant's ISP with a third-party subpoena on or about July 11, 2024 and, in accordance with the time allowances provided to both the ISP and the Defendant, expected to receive the ISP's response on or about November 18, 2024.

As of the date of this filing, Plaintiff has not yet received the ISP response but will follow up with the ISP regarding the overdue response.

Pursuant to the Court's Notice of Initial Conference dated April 4, 2024, there was a conference scheduled for December 5, 2024 at 10:00 a.m.

On November 12, 2024, the Court reset the Initial Pretrial Conference scheduled for December 5, 2024 to December 4, 2024 at 9:30 a.m.

Prior to the conference, the parties are required to confer and submit to the Court a proposed Case Management Plan. However, because Defendant's identity is unknown to Plaintiff at this time, Plaintiff has not been able to confer with Defendant regarding the Case Management Plan.

For the foregoing reasons, Plaintiff respectfully requests that the Initial Conference scheduled for December 4, 2024 be adjourned until after the Defendant has been served with the summons and Complaint.


Respectfully Submitted,

By: /s/Jacqueline M. James
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Request GRANTED. The December 4, 2024 Initial Pretrial Conference before Judge Rochon is hereby adjourned. Plaintiff shall continue to submit status letters in accordance with Dkt. 16 describing Plaintiff's effort to obtain the necessary information from Spectrum and to serve Defendant. Plaintiff shall file proof of service promptly when Defendant is served. The IPTC will then be rescheduled.

SO ORDERED.

Dated: November 25, 2024
New York, New York


JENNIFER L. ROCHON
United States District Judge